

**Table 1.1-1: South Dakota Codified Law**

Statute	Information Required	Permit Application Reference
SDCL 45-6B-1	Citation of Chapter	Noted
SDCL 45-6B-2	Legislative findings and policy	Noted
SDCL 45-6B-3	Definition of terms	Reviewed
SDCL 45-6B-4	Local government permits	Sections 1.4 and 2.1; Appendix 2.1-A
SDCL 45-6B-5 (1)	Application for permit - form/copy	Appendix 1.0-A
SDCL 45-6B-5 (2)	Reclamation Plan	Section 6
SDCL 45-6B-5 (3)	Map of affected land	Plates 5.3-1 and 5.3-2
SDCL 45-6B-5 (4)	Application fee	Application fee of \$50,000 is provided under separate cover
SDCL 45-6B-5 (5)	Postclosure Plan	Section 6.8
SDCL 45-6B-6 (1)	Legal description and area of affected land	Section 2.0
SDCL 45-6B-6 (2)	Owner of the surface area of affected land	Section 2.2, Plate 2.2-2 and Appendix 2.2-A
SDCL 45-6B-6 (3)	Owner of the substance mined	Section 2.2, Plate 2.2-1 and Appendix 2.2-A
SDCL 45-6B-6 (4)	Applicant's legal right to enter and mine	Section 2.2
SDCL 45-6B-6 (5)	Applicant's legal right to dispose of tailings	Not applicable since no tailings disposal will occur in the permit area
SDCL 45-6B-6 (6)	Address and telephone number of the general office and local address and telephone number of applicant	Section 1.5
SDCL 45-6B-6 (7)	Minerals extracted and milled	Sections 1.2 and 5.1.1
SDCL 45-6B-6 (8)	Description of method of mining and milling	Section 5
SDCL 45-6B-6 (8)(a)	Contour basis of mining operation	Section 5.3; Plates 5.3-1 and 5.3-2
SDCL 45-6B-6 (8)(b)	Depth and direction of mining	Sections 5.3.3.1.1 and 5.3.3.2.2
SDCL 45-6B-6 (8)(c)	Disposition of mine spoil and tailings	No tailings will be associated with uranium ISR; spoil is addressed in Section 5.3.7
SDCL 45-6B-6 (8)(d)	Method of blasting and control thereof	Not applicable since no blasting will occur
SDCL 45-6B-6 (9)	Size of the area worked at one time	Section 5.3.7
SDCL 45-6B-6 (10)	Timetable of proposed duration of mining operation	Sections 5.2 and 6.5
SDCL 45-6B-6 (11)	Written consent to grant access to the Board of Minerals and Environment	Noted
SDCL 45-6B-7	Reclamation Plan	Section 6
SDCL 45-6B-7 (1)	Description of reclamation types	Section 6.4
SDCL 45-6B-7 (2)	Standard soil survey	Section 3.3, Appendix 3.3-A and Plate 3.3-1
SDCL 45-6B-7 (3)	Vegetative survey	Section 3.7, Appendix 3.7-A and Plate 3.7-1

**Table 1.1-1: South Dakota Codified Law (Continued)**

Statute	Information Required	Permit Application Reference
SDCL 45-6B-7 (4)	Preliminary wildlife study	Section 3.9 and Appendix 3.9-A
SDCL 45-6B-7 (5)	Characteristics of affected land of historic, archaeological, geologic, scientific, or recreation significance	Sections 2.3 and 3.11
SDCL 45-6B-7 (6)	Description of implementation plan of Reclamation Plan to meet requirement of SDCL 45-6B-37 to SDCL 45-6B-46	Section 6
SDCL 45-6B-7 (7)	Description of how the Reclamation Plan will rehabilitate the affected land	Section 6.4
SDCL 45-6B-7 (8) (a) and (b)	Map of all the proposed affected land	Plates 5.3-1 and 5.3-2
SDCL 45-6B-7 (9) (a) through (mm)	Baseline water quality and level of aquifers	Section 3.4
SDCL 45-6B-7 (10)	Location of proposed reservoirs, tailings ponds, tailings disposal sites, dams, dikes, and diversion canals	Figure 5.3-1 and 5.3-2; Plates 5.3-1 and 5.3-2
SDCL 45-6B-7 (11)	Provisions for stripping, storage and replacement of overburden and topsoil	Sections 5.3.7 and 6.4.3
SDCL 45-6B-7 (12)	Estimated cost of implementing and completing the proposed reclamation	Section 6.7 and Appendix 6.7-A
SDCL 45-6B-8	Identification of previously mined land	Section 3.2.5.2 and Figure 3.2-8
SDCL 45-6B-9	Previously mined land reclamation for underground mining	Section 3.2.5.2 and Figure 3.2-8
SDCL 45-6B-10 (1)	Identify the area corresponding with application	Figure 2.0-1
SDCL 45-6B-10 (2)	Show adjoining surface owners of record	Plate 2.2-2
SDCL 45-6B-10 (3)	Map scale not more than 1:25,000	Noted
SDCL 45-6B-10 (4)	Show water wells, creeks, roads, buildings, pipelines, power and communication lines on and within 200 feet of all boundaries of affected land	Figures 3.1-1 and 3.2-6; Plates 3.4-1, 3.5-1, 5.3-1 and 5.3-2; Appendix 3.5-A
SDCL 45-6B-10 (5)	Show total area involved in operation	Plates 5.3-1 and 5.3-2
SDCL 45-6B-10 (6)	Indicate on map or by statement the general type, thickness, and distribution of soil	Section 3.3, Appendix 3.3-A and Plate 3.3-1
SDCL 45-6B-11	Approval of Reclamation Plan by other agencies.	Noted
SDCL 45-6B-12	Consultation with surface owner.	Appendix 6.4-A
SDCL 45-6B-13	Hearing and order for instrument of consultation not obtained.	Noted
SDCL 45-6B-14	Application fee	Application fee of \$50,000 is provided under separate cover

**Table 1.1-1: South Dakota Codified Law (Continued)**

Statute	Information Required	Permit Application Reference
SDCL 45-6B-15	Copy of application filed with DENR and Fall River and Custer County Register of Deeds.	Appendix 1.0-A (DENR copy); application to be filed concurrently with Fall River and Custer County Register of Deeds
SDCL 45-6B-16	Publication of notice of application.	Notice will be published
SDCL 45-6B-17	Mailing of notice of application to owners.	Mailings will be conducted
SDCL 45-6B-18	Fees for permit amendments.	Noted
SDCL 45-6B-19	Protection of confidential information.	Noted
SDCL 45-6B-20	Site inspection prior to permit issuance.	Noted
SDCL 45-6B-20.1	Additional proof of financial assurance.	Powertech (USA) understands that the financial assurance will be set after a site inspection.
SDCL 45-6B-20.2	Time for filing under 45-6B-20.1.	Powertech (USA) understands that additional financial assurance may be required due to the use of chemicals in the extraction process.
SDCL 45-6B-21	Surety amount and duration determination criteria.	Noted
SDCL 45-6B-22	Surety bond	Noted
SDCL 45-6B-23	Cash or securities in lieu of surety.	Noted
SDCL 45-6B-24	Surety payable to state.	Noted
SDCL 45-6B-25	Surety liability.	Noted
SDCL 45-6B-26	Amount of surety penalty.	Noted
SDCL 45-6B-27	Increase or reduction in surety penalty.	Noted
SDCL 45-6B-28	Objections or support of application.	Noted
SDCL 45-6B-29	County request for hearing.	Noted
SDCL 45-6B-30	Hearing on application.	Noted
SDCL 45-6B-31	Modification of application prior to hearing.	Noted
SDCL 45-6B-32 (1)	Application incomplete or surety not posted.	Noted
SDCL 45-6B-32 (2)	Applicant has not paid required fee.	Application fee of \$50,000 is provided under separate cover.
SDCL 45-6B-32 (3)	Any part of the proposed mining operation, reclamation program or proposed future use is contrary to the laws or regulations of this state or the United States.	The proposed ISR operations will be carried out under all applicable state and federal laws.
SDCL 45-6B-32 (4)	The mining operation will not adversely affect the stability of any significant, valuable, and permanent man-made structures located within 200 feet of the affected land, except where there is an agreement between the operator and the persons having an interest in the structure that damage to the structure is to be compensated by the operator.	Section 5.6.15

**Table 1.1-1: South Dakota Codified Law (Continued)**

Statute	Information Required	Permit Application Reference
SDCL 45-6B-32 (5)	The mining operation would be in violation of any county zoning or subdivision regulations.	Section 2.1; Appendix 2.1-A
SDCL 45-6B-32 (6)	The proposed mining operation and reclamation plan cannot be carried out in conformance with § 45-6B-35.	See permit application references for SDCL 45-6B-35
SDCL 45-6B-32 (7)	The operator is currently found to be in violation of the provisions of this chapter with respect to any mining operation in this state.	Powertech (USA) has submitted an affidavit certifying that Powertech (USA) is not in violation of the provisions of 45-6B.
SDCL 45-6B-32 (8)	The land is unsuitable for a mining operation, as determined pursuant to § 45-6B-33.	See permit application references for SDCL 45-6B-33
SDCL 45-6B-33 (1)	Unsuitable land – No permit issued if reclamation is not physically or economically feasible.	Section 6; Appendix 4.0-A
SDCL 45-6B-33 (2)	Unsuitable land – No permit issued if sediment deposition cannot be prevented.	Section 5.3.9
SDCL 45-6B-33 (3)	Unsuitable land – No permit issued if includes special, exceptional, critical, or unique lands.	Section 2.3; Appendix 2.3-A
SDCL 45-6B-33 (4)	Unsuitable land – No permit issued if loss or reduction of aquifer production, public or domestic water wells, watershed, aquifer recharge areas or significant agricultural areas.	Sections 5.6 and 3.3.3
SDCL 45-6B-33 (5)	Unsuitable land – No permit issued if jeopardize threatened or endangered species.	Sections 3.7.3 3.9.3, 3.10.3, 5.6.11.1.11 and 5.6.11.2
SDCL 45-6B-33 (6)	Unsuitable land – No permit issued if adverse socioeconomic impacts.	Appendix 4.0-A
SDCL 45-6B-33.1 (1) through (6)	Socioeconomic impact study.	Appendix 4.0-A
SDCL 45-6B-33.2	Permit application for small-scale mining.	Not applicable
SDCL 45-6B-33.3	Special, exceptional, critical, or unique land.	Section 2.3 and Appendix 2.3-A
SDCL 45-6B-33.4	List of special, exception, critical or unique lands.	Section 2.3 and Appendix 2.3-A
SDCL 45-6B-33.5(1) through (3)	Alternative restrictions on special, exceptional, critical, or unique land.	The board determined the lands described do not constitute special, exceptional, critical, or unique lands (Section 2.3).
SDCL 45-6B-33.6	Determination of classification for special, exceptional, critical, or unique lands.	The board determined the lands described do not constitute special, exceptional, critical, or unique lands (Section 2.3).
SDCL 45-6B-33.7	Appeal of special, exceptional, critical, or unique lands determination.	Noted
SDCL 45-6B-33.8	Underground mining beneath special, exceptional, critical, or unique lands.	Noted
SDCL 45-6B-34	Notice to county commissioners.	Noted

**Table 1.1-1: South Dakota Codified Law (Continued)**

Statute	Information Required	Permit Application Reference
SDCL 45-6B-35	Applicable laws for mining operations.	See permit application references for SDCL 45-6B-36 through 46
SDCL 45-6B-36	Annual filing of map and fee.	Powertech (USA) understands that an annual filing map and \$50,000 fee will be due within 60 days prior to the anniversary date of the permit.
SDCL 45-6B-37	Grading final topography appropriate to final land use.	Sections 6.4.1 and 6.4.3.1; Plate 6.4-1
SDCL 45-6B-38	Disposal of refuse.	Section 5.4
SDCL 45-6B-39	Revegetation	Sections 6.4.2 and 6.4.3; Appendices 6.4-A, 6.4-B and 6.4-D
SDCL 45-6B-40	Overburden removal and topsoil storage and protection.	Section 5.3.7
SDCL 45-6B-41	Minimize disturbance to prevailing hydrologic balance.	Sections 5.3.9, 5.6.3, 5.6.3.1.4 and 5.6.4
SDCL 45-6B-42	Protection of areas outside of affected land.	Provisions specific to highwalls are not applicable since the ISR operation will not have high walls. Subsidence is addressed in Section 5.6.3.1.5.
SDCL 45-6B-43	Stabilization of affected land, control erosion, noxious weeds, air pollution, and water pollution.	Sections 5.3.7, 5.3.9 and 6.4.3; Appendix 6.4-C
SDCL 45-6B-44	Reclamation Plan developed by the operator, department, and landowner.	Section 6.4.1; Appendix 6.4-A; a copy of the reclamation plan has been provided to all adjacent surface owners
SDCL 45-6B-45	Choices of reclamation.	Sections 6.4.1 and 6.4.3.4; Appendix 6.4-A; pre-submission meeting held on May 10, 2012
SDCL 45-6B-46	Time for completion of reclamation and plantings not required under certain conditions.	Sections 6.4 and 6.5
SDCL 45-6B-47	Transfer of permit.	Noted
SDCL 45-6B-48	Notice to operator of violation.	Noted
SDCL 45-6B-49	Cease and desist order for violation.	Noted
SDCL 45-6B-50	Violation hearing.	Noted
SDCL 45-6B-51	Modification, suspension, or revocation of permit due to violation.	Noted
SDCL 45-6B-52	Action for temporary restraining order or injunction due to violation.	Noted
SDCL 45-6B-53	Special permit laws applicable for small-scale operations.	Not applicable
SDCL 45-6B-54	Application for permit for small-scale operations.	Not applicable
SDCL 45-6B-55	Surety for small-scale operation.	Not applicable
SDCL 45-6B-56	Annual notice of intent to continue for small-scale operation.	Not applicable
SDCL 45-6B-57	Notice of completion of reclamation for small-scale operation.	Not applicable
SDCL 45-6B-58	Permit application for new small-scale operation.	Not applicable
SDCL 45-6B-59	Laws applicable to procession and action on applications.	Not applicable

**Table 1.1-1: South Dakota Codified Law (Continued)**

Statute	Information Required	Permit Application Reference
SDCL 45-6B-60	Conversion of small-scale operation permit to larger operation.	Not applicable
SDCL 45-6B-61	Time for action on application on small-scale mine permit conversion.	Not applicable
SDCL 45-6B-62	Laws applicable to conversion of small-scale mine permit conversion.	Not applicable
SDCL 45-6B-63	Grounds for denial of small-scale mine permit conversion.	Not applicable
SDCL 45-6B-66	Proceedings by attorney general for forfeiture of surety due to violation.	Noted
SDCL 45-6B-67	Foreclosure of real estate by attorney general due to violation.	Noted
SDCL 45-6B-68	Reclamation of lands using surety following violation.	Noted
SDCL 45-6B-69	Fees deposited in environment and natural resources fee fund.	Noted
SDCL 45-6B-70	Liability for damages to environment.	Noted
SDCL 45-6B-71	Civil penalty for an operation without a permit.	Noted
SDCL 45-6B-71.1	Misdemeanor for operation without a permit near a lake or stream.	Noted
SDCL 45-6B-72	Violation for refusal of access or interference with inspection.	Noted
SDCL 45-6B-73	Jurisdiction and authority of board.	Noted
SDCL 45-6B-74	Studies and programs initiated and encourage by board.	Noted
SDCL 45-6B-75	Assistance provided by other departments and agencies.	Noted
SDCL 45-6B-76(1) through (3)	General powers of board.	Noted
SDCL 45-6B-77	Master list of permits, notices, and certificates kept by department.	Noted
SDCL 45-6B-79	Use of reclamation fund.	Noted
SDCL 45-6B-80	Exemption of educational and recreational activities.	Noted
SDCL 45-6B-81	Promulgation of rules by board regarding surface mining and reclamation.	Noted
SDCL 45-6B-86	Annual publication of amount of disturbed land.	Noted
SDCL 45-6B-87	Large-scale gold or silver surface mining operations not exempt from federal laws.	Not applicable
SDCL 45-6B-88	Procedures for issuance, suspension, revocation, and renewal of permits.	Noted
SDCL 45-6B-89	Legislative findings for large-scale surface gold or silver mines in Black Hills.	Not applicable

**Table 1.1-1: South Dakota Codified Law (Continued)**

Statute	Information Required	Permit Application Reference
SDCL 45-6B-91	Postclosure Plan	Section 6.8
SDCL 45-6B-92 (1)	Description of critical resources affected by reclamation plan - wildlife.	Section 5.6.11
SDCL 45-6B-92 (2)	Description of critical resources affected by reclamation plan - aquatic resources.	Section 5.6.11.1.10
SDCL 45-6B-92 (3)	Description of critical resources affected by reclamation plan - vegetation.	Section 5.6.11.1.1
SDCL 45-6B-92 (4)	Description of critical resources affected by reclamation plan - water.	Sections 5.6.3 and 5.6.4
SDCL 45-6B-92 (5)	Description of critical resources affected by reclamation plan - visual resources.	Section 5.6.14
SDCL 45-6B-92 (6)	Description of critical resources affected by reclamation plan - soils.	Section 5.6.2
SDCL 45-6B-92 (7)	Description of critical resources affected by reclamation plan - cultural resources.	Section 5.6.12
SDCL 45-6B-92 (8)	Description of critical resources affected by reclamation plan - air quality.	Section 5.6.10
SDCL 45-6B-92 (9)	Description of critical resources affected by reclamation plan - noise.	Section 5.6.13
SDCL 45-6B-92 (10)	Description of critical resources affected by reclamation plan - special, exceptional, critical or unique lands.	Section 2.3
SDCL 45-6B-93	Information to be included in annual report for large-scale gold or silver surface mining operation.	Not applicable
SDCL 45-6B-94	Legislative findings for gold or silver surface mining.	Not applicable
SDCL 45-6B-95	Permit limitations for new large-scale operations.	Not applicable
SDCL 45-6B-96	Permits for presently operating large-scale gold or silver surface mines.	Not applicable
SDCL 45-6B-97	Qualifications for credit on reclamation.	Not applicable
SDCL 45-6B-98	Submission of reclamation plan.	Not applicable
SDCL 45-6B-99	Exclusion of underground mining operators.	Not applicable
SDCL 45-6B-101	Mining inventory fund.	Noted
SDCL 45-6B-102	Abandon Mine Lands advisory committee.	Noted
SDCL 45-6B-103	Duties of abandoned Mine Land advisory committee.	Noted
SDCL 45-6B-104	New surface mining permits prohibited for private land in Spearfish Canyon.	This mine will not be located in Spearfish Canyon.
SDCL 45-6B-105	Location of Spearfish Canyon.	This mine will not be located in Spearfish Canyon.
SDCL 45-6B-106	Lake dredging activities license.	Not applicable since lake dredging will not be used.

**Table 1.1-2: Administrative Rules of South Dakota**

Regulation	Information Required	Permit Application Reference
ARSD 74:29:01:01	Definitions	Reviewed
ARSD 74:29:01:02	Computation of time	Noted
ARSD 74:29:01:03	Presubmission meetings	Noted
ARSD 74:29:01:04	Proof of submission of application to Register of Deeds, DENR, SDGF&P, Department of Agriculture, Department of Education and Cultural Affairs, BLM, and Department of Health.	To be provided separately
ARSD 74:29:01:05	Interested persons mailing list.	Noted
ARSD 74:29:01:06	Request for a copy of mining permit application.	Noted
ARSD 74:29:01:07	Determination of procedural completeness.	Noted
ARSD 74:29:01:08	Notice of filing	Noted
ARSD 74:29:01:09	Intervention in application proceeding.	Noted
ARSD 74:29:01:10	Summary document	Noted
ARSD 74:29:01:11	Information added after filing.	Noted
ARSD 74:29:01:12	Notice to agencies of filing.	Noted
ARSD 74:29:01:13	Hearing date	Noted
ARSD 74:29:01:14	Notice of hearing	Noted
ARSD 74:29:01:15	Department recommendation	Noted
ARSD 74:29:01:16	Permit changes	Noted
ARSD 74:29:01:17	Permit area boundaries.	Figure 2.0-1
ARSD 74:29:01:17 (1)	County Conditional Use Permit (CUP) area boundary.	Section 2.1; Appendix 2.1-A
ARSD 74:29:01:17 (2)	Legal right to mine.	Section 2.2
ARSD 74:29:01:17 (3)	Location of permit boundary in relation to scenic and unique land.	Section 2.3
ARSD 74:29:01:17 (4)	Ratio of proposed permit area to affected land.	Based on an affected area of 2,528 to 3,792 acres (without or with land application) and a permit area of 10,580 acres, the ratio is 0.24 to 0.36.
ARSD 74:29:01:18	Contested and uncontested recommendations and notice of decision.	Noted
ARSD 74:29:01:19	Report following issuance of uncontested permit.	Noted
ARSD 74:29:02:01	Procedural completeness requirements.	Section 1.1
ARSD 74:29:02:02	Local zoning requirements.	Section 2.1; Appendix 2.1-A
ARSD 74:29:02:03	Surface and mineral owners.	Section 2.2; Plates 2.2-1 and 2.2-2; Appendix 2.2-A
ARSD 74:29:02:04 (1)	Mining and milling methods.	Section 5 (Mine Plan)



**Table 1.1-2: Administrative Rules of South Dakota (Continued)**

<b>Regulation</b>	<b>Information Required</b>	<b>Permit Application Reference</b>
ARSD 74:29:02:04 (2)	Description and maps of premining and postmining contours.	Sections 3.5.2.1, 5.3, 6.4.1 and 6.4.3.1; Plate 6.4-1
ARSD 74:29:02:04 (3)	Description of proposed depth and direction of mining and representative cross sections.	Sections 5.3.3.1.1 and 5.3.3.2.2; Plates 5.3-15 and 5.3-16
ARSD 74:29:02:04 (4)	Map of proposed waste facilities.	Figures 5.3-1 and 5.3-2; Plates 5.3-1 and 5.3-2
ARSD 74:29:02:04 (5)	Stability analysis for all critical earth structures.	Appendix 5.3-A
ARSD 74:29:02:04 (6)	A description of proposed blast procedures.	Not applicable since blasting will not be conducted.
ARSD 74:29:02:05	Timetable with narrative description of existing plans for future exploration and mining in the area of the proposed operation.	Sections 5.1, 5.2 and 6.5; Figure 6.5-1
ARSD 74:29:02:06	Historic or archaeological significance.	Section 3.11; Appendices 3.11-A and 3.11-B
ARSD 74:29:02:07	Water quality and water level data.	Sections 3.4 and 3.5; Figures 3.4-18 through 3.4-21
ARSD 74:29:02:08	Reclamation costs	Section 6.7; Appendix 6.7-A
ARSD 74:29:02:09	Permit area boundary - map requirements.	Figure 2.0-1
ARSD 74:29:02:10	Revegetation	Sections 6.4.2 and 6.4.3; Appendices 6.4-A, 6.4-B and 6.4-D
ARSD 74:29:02:11	Effect of hydrologic balance on surface and groundwater.	Section 5.3.9 and 5.6.3.1.4
ARSD 74:29:02:11 (1)	Baseline geology, surface, and groundwater reports.	Sections 3.2, 3.4 and 3.5
ARSD 74:29:02:11 (2)	Representative geologic cross sections.	Plates 3.2-12 through 3.2-22
ARSD 74:29:02:11 (3)	Surface water inventory map.	Plate 5.5-1; Figures 3.5-1 and 3.5-8 through 3.5-12; Appendix 3.5-A
ARSD 74:29:02:11 (4)	Well location inventory map.	Figures 3.2-7 and 3.4-17; Plate 3.4-1
ARSD 74:29:02:11 (5)	Potentiometric surface map.	Figures 3.4-2 through 3.4-5
ARSD 74:29:02:11 (6)	Geochemical characterization of ore and waste rock.	Section 3.2.4
ARSD 74:29:02:11 (7)	Surface and groundwater monitoring plan for life of mine.	Sections 5.5.2 and 5.5.3
ARSD 74:29:02:11 (8)	Meteorological monitoring plan.	Section 5.5.10
ARSD 74:29:02:11 (9)	Drainage, erosion, and sedimentation control plan.	Section 5.3.9; Plates 5.3-6 through 5.3-12
ARSD 74:29:02:11 (10)	Chemicals in the milling process, leak mitigation, and a spill contingency plan.	Sections 5.3.1, 5.3.5 and 5.6.5
ARSD 74:29:02:11 (11)	Estimate of project water requirements.	Section 5.3.3.5.3 and 5.6.3.1.1

**Table 1.1-2: Administrative Rules of South Dakota (Continued)**

<b>Regulation</b>	<b>Information Required</b>	<b>Permit Application Reference</b>
ARSD 74:29:02:11 (12)	Chemical characteristics of process solutions.	Sections 5.1 and 5.3
ARSD 74:29:02:11 (13)	Pollution control facilities.	Appendix 5.3-B
ARSD 74:29:02:12 (1)	Maps must show the name of the applicant.	The figures and plates indicate that Powertech (USA) Inc. is the applicant.
ARSD 74:29:02:12 (2)	Maps must be prepared and signed by a person qualified in the preparation of maps.	The figures and plate include a signature of the preparer.
ARSD 74:29:02:12 (3)	Maps must give the date prepared.	The figures and plates list the date the map was prepared.
ARSD 74:29:02:12 (4)	Maps must identify the requirement the map is intended to fulfill.	The figures and plates include ARSD or SDCL references.
ARSD 74:29:02:12 (5)	Maps must include a legend indicating the items shown on the particular map.	The figures and plates include legends.
ARSD 74:29:02:12 (6)	Maps must clearly indicate township, range, and section boundaries.	The figures and plates indicate township, range and section boundaries where applicable.
ARSD 74:29:02:12 (7)	Maps must identify scale.	The figures and plates include scale bars or labeled scales except for schematic drawings.
ARSD 74:29:03	Permit amendments	Section 1.0; Appendix 1.0-B
ARSD 74:29:04	Permit transfers	Noted
ARSD 74:29:05:01	Reclamation of millsites.	Section 6.3
ARSD 74:29:05:02	Choice of reclamation.	Section 6.4; Appendix 6.4-A
ARSD 74:29:05:03	Process pond reclamation.	Section 6.3.1.4
ARSD 74:29:05:04	Removal of equipment and buildings.	Section 6.3.1.3
ARSD 74:29:05:05	Reclamation of tailings impoundments.	Not applicable since the ISR facility will not have tailings.
ARSD 74:29:05:06	Treatment of tailings -- Initial sampling and chemical characterization.	Not applicable since the ISR facility will not have tailings.
ARSD 74:29:05:07	Treatment of tailings -- Monitoring during treatment process.	Not applicable since the ISR facility will not have tailings.
ARSD 74:29:05:08	Treatment of tailings.	Not applicable since the ISR facility will not have tailings.
ARSD 74:29:05:09	Retreatment of tailings.	Not applicable since the ISR facility will not have tailings.
ARSD 74:29:05:10	Treatment of tailings -- Final sampling program.	Not applicable since the ISR facility will not have tailings.
ARSD 74:29:05:11	Treatment and disposal of tailings from on/off load pads.	Not applicable since the ISR facility will not have tailings.
ARSD 74:29:05:12	Reclamation of tailings which cannot meet treatment standards.	Not applicable since the ISR facility will not have tailings.

**Table 1.1-2: Administrative Rules of South Dakota (Continued)**

<b>Regulation</b>	<b>Information Required</b>	<b>Permit Application Reference</b>
ARSD 74:29:05:13	Uranium tailings	Not applicable since the ISR facility will not have tailings.
ARSD 74:29:05:14 (1)	Land application of solution – plans and specifications prior to installation or construction.	The GDP application contains preliminary plans. As-constructed plans and specifications will be provided prior to operation (GDP Section 5.0)
ARSD 74:29:05:14 (2)	Land application of solution – chemical characterization of the solution.	Sections 5.4.1.1.4.1 and 5.7.2.6
ARSD 74:29:05:14 (3)	Land application of solution – compliance with § 74:29:05:08	Powertech (USA) anticipates that the GDP will include effluent limits that incorporate South Dakota groundwater standards and consider ambient water quality.
ARSD 74:29:05:14 (4)	Land application of solution – hydraulic loading rates	GDP Section 8.2
ARSD 74:29:05:14 (5)	Land application of solution – minimize erosion and disturbance of vegetation	GDP Sections 8.2 and 8.4
ARSD 74:29:05:15	Land application of solution – Sampling requirements.	Section 5.5.4; 5.5.6.1; 5.5.7.1
ARSD 74:29:05:16 (1)	Land application site evaluation – vegetation and wildlife.	Sections 5.4.1.1.2 and 5.5.6.2; GDP Section 6.5
ARSD 74:29:05:16 (2)	Land application site evaluation – geology.	Section 5.6.4.1.1.2; GDP Sections 3.6 and 8.1
ARSD 74:29:05:16 (3)	Land application site evaluation – groundwater and surface water.	Sections 5.6.4.1.1.2, 5.6.3 and 5.6.4
ARSD 74:29:05:16 (4)	Land application site evaluation – soils and depth to bedrock.	Section 5.4.1.1.2; GDP Sections 3.2 and 3.6
ARSD 74:29:05:16 (5)	Land application site evaluation – slopes.	Section 5.4.1.1.2
ARSD 74:29:05:16 (6)	Land application site evaluation – erodibility.	Section 5.4.1.1.2
ARSD 74:29:05:16 (7)	Land application site evaluation – distance to flowing streams.	Section 5.4.1.1.2
ARSD 74:29:05:16 (8)	Land application site evaluation – adjacent land use.	Section 5.4.1.1.2
ARSD 74:29:05:16 (9)	Land application site evaluation – weather monitoring.	Sections 5.4.1.1.2 and 5.5.10
ARSD 74:29:05:17 (1)	Land application of solution – Plan for operational monitoring – Methods for soil and soil water monitoring and sampling.	Section 5.5.6.1; GDP Sections 6.1.3 and 6.4
ARSD 74:29:05:17 (2)	Land application of solution – Plan for operational monitoring – Vegetation.	Section 5.5.7.1; GDP Section 6.5
ARSD 74:29:05:17 (3)	Land application of solution – Plan for operational monitoring – Soil characteristics and parameters.	Section 5.5.6.1; GDP Sections 6.4 and 8.3
ARSD 74:29:05:17 (4)	Land application of solution – Plan for operational monitoring – Analytical techniques.	Section 5.5.4.1; GDP Section 6
ARSD 74:29:05:17 (5)	Land application of solution – Plan for operational monitoring – Sampling frequency.	Section 5.5.4.1; GDP Section 6

**Table 1.1-2: Administrative Rules of South Dakota (Continued)**

<b>Regulation</b>	<b>Information Required</b>	<b>Permit Application Reference</b>
ARSD 74:29:05:17 (6)	Land application of solution – Plan for operational monitoring – Criteria for determining if and when land application should be initiated or discontinued.	GDP Sections 8.1.1 (based on alluvial monitoring results), 8.4 (based on soil sampling results), and 8.5 (based on vegetation sampling results)
ARSD 74:29:05:17 (7)	Land application of solution – Plan for operational monitoring – Surface and groundwater.	GDP Sections 6.1 and 6.2
ARSD 74:29:05:17 (8)	Land application of solution – Plan for operational monitoring – Maximum allowable metals accumulation values.	GDP Sections 8.3 and 8.4
ARSD 74:29:05:17 (9)	Land application of solution – Plan for operational monitoring – Sampling and analytical quality assurance and quality control plan.	Section 6.3.4.4
ARSD 74:29:05:18	Land application of solution – Notice of intent to implement.	Section 5.7.2.6
ARSD 74:29:05:19	Land application of solution – Revegetation of site -- Inspection.	Section 6.4.4
ARSD 74:29:05:20	Land application of solution – Written report.	Section 5.7.2.6
ARSD 74:29:06:01	Presubmission conference for postmine land use.	Section 6.4.1; Appendix 6.4-A; presubmission conference was held May 10, 2012
ARSD 74:29:06:02 (1)	Demonstrate that the affected land has the capability of meeting reclamation criteria.	Section 6.4.1; Appendix 6.4-A
ARSD 74:29:06:02 (2)	Demonstrate that the postmining land use is compatible with surrounding land uses.	Section 6.4.1
ARSD 74:29:06:02 (3)	Support and maintenance activities required for successful implementation.	Sections 6.4.2, 6.4.3 and 6.6
ARSD 74:29:06:02 (4)	Assurance that the proposed postmining land use meets the following requirements: <ul style="list-style-type: none"> <li>(a) Is obtainable according to data on expected market and need.</li> <li>(b) Is supported by commitments from public agencies where appropriate.</li> <li>(c) Is practicable on the basis of private financial capability for completion of the proposed operations.</li> <li>(d) Is planned pursuant to a schedule attached to the reclamation plan that integrates the mining operations and reclamation with the postmining land use.</li> <li>(e) Is consistent with existing state and local land use plans and programs.</li> </ul> Is of a beneficial use.	Section 6.4.1
ARSD 74:29:06:03	Economic study for future mineral exploration.	Noted

**Table 1.1-2: Administrative Rules of South Dakota (Continued)**

<b>Regulation</b>	<b>Information Required</b>	<b>Permit Application Reference</b>
ARSD 74:29:06:04	Alternative postmining land use.	Noted
ARSD 74:29:06:05	Approval for future mineral exploration.	Noted
ARSD 74:29:06:06	Confidential information.	Noted
ARSD 74:29:07:01	General requirements for all reclamation types.	Section 6.4
ARSD 74:29:07:02	Minimizing of adverse impacts.	Section 5.6
ARSD 74:29:07:02 (1)	Design of facilities to minimize surface disturbance.	Sections 5.3, 5.6.2.2 and 5.6.14.2
ARSD 74:29:07:02 (2)	Clearing of land in small sections.	Sections 5.3.3 and 5.3.7
ARSD 74:29:07:02 (3)	Visual screening	Section 5.6.14
ARSD 74:29:07:02 (4)	Minimize impacts to surface and groundwater.	Sections 5.3.3, 5.3.9, 5.6.3, 5.6.4 and 6.2
ARSD 74:29:07:02 (5)	Control of access.	Section 5.7.6
ARSD 74:29:07:02 (6)	Preventative measures to minimize harmful impacts to wildlife.	Sections 5.6.11.1.2 and 5.6.11.2
ARSD 74:29:07:02 (7)	Location of waste facilities, spoil piles, and topsoil stockpiles to facilitate implementation of reclamation and to minimize environmental impacts.	Section 5.3
ARSD 74:29:07:02 (8)	Minimizing the production of mine waste and spoil.	Section 5.4.3
ARSD 74:29:07:02 (9)	Design and location of facilities so they are compatible with surrounding land uses (i.e. waste facility and haul road).	Section 5.3
ARSD 74:29:07:02 (10)	Integration of mine operations planning with the Reclamation Plan.	Sections 5.3 and 6.4
ARSD 74:29:07:03	Grading and Backfilling - Necessity	Section 6.4.3.1
ARSD 74:29:07:04 (1)	Reclaimed slopes must be visually and functionally compatible with surrounding area, suitable for the postmining land use, structurally stable, and not exceed the angle of repose for fill slopes or other slopes composed of unconsolidated material.	Section 6.4.3.1; Plate 6.4-1
ARSD 74:29:07:04 (2)	Erosion and sedimentation control during final grading, and protection of areas outside of the affected land.	Sections 5.3.9 and 6.4.3.1
ARSD 74:29:07:04 (3)	Grading and backfilling timetable.	Sections 6.4.3.1 and 6.5; Figures 5.2-1 and 6.5-1
ARSD 74:29:07:04 (4)	Depressions not allowed.	Section 6.4.3.1
ARSD 74:29:07:04 (5)	Drainages preserved.	Section 6.4.3.1
ARSD 74:29:07:04 (6)	Highwall reduction.	Not applicable, since highwalls will not be used.
ARSD 74:29:07:04 (7)	Landforms must blend in with and complement the visual continuity of the surrounding area.	Section 6.4.3.1
ARSD 74:29:07:05	Disposal of refuse.	Section 5.4
ARSD 74:29:07:06 (1)	Vegetative species and composition postmining land use.	Section 6.4.3.4

**Table 1.1-2: Administrative Rules of South Dakota (Continued)**

<b>Regulation</b>	<b>Information Required</b>	<b>Permit Application Reference</b>
ARSD 74:29:07:06 (2)	Vegetative success - reference areas.	Section 6.4.3.4; Appendix 6.4-D
ARSD 74:29:07:06 (3)	Reference areas.	Appendix 6.4-D; Plate 6.4-2
ARSD 74:29:07:06 (4)	Seeding and planting.	Section 6.4.3.4; Appendix 6.4-B
ARSD 74:29:07:07 (1)	Salvageable topsoil.	Section 5.3.7
ARSD 74:29:07:07 (2)	Interim reclamation.	Sections 6.4.2 and 6.4.3.2
ARSD 74:29:07:07 (3)	Topsoil analyzed to determine if fertilizer or other amendments required.	Sections 5.3.7 and 6.4.3.2
ARSD 74:29:07:07 (4)	Signing of topsoil stockpiles.	Section 5.3.7
ARSD 74:29:07:07 (5)	Estimate of topsoil to complete reclamation.	Sections 5.3.7 and 6.4
ARSD 74:29:07:07 (6)	Use of excess topsoil for reclamation purposes elsewhere.	Section 6.4.3.2
ARSD 74:29:07:07 (7)	Separation of rocks and trees from topsoil.	Section 5.3.7
ARSD 74:29:07:07 (8)	Segregation of topsoil and subsoil stockpiles.	Section 5.3.7
ARSD 74:29:07:08 (1)	Compliance with South Dakota water rights laws and regulations.	Section 5.6.3.1.2
ARSD 74:29:07:08 (2)	Compliance with South Dakota water quality laws and regulations.	Sections 5.6.3.2 and 5.6.4.2
ARSD 74:29:07:08 (3)	Compliance with dredge and fill laws in Sections 401 and 404 of the Clean Water Act.	Sections 5.6.4.1.3 and 5.6.4.2
ARSD 74:29:07:08 (4)	Removal of temporary or large sedimentation, erosion, or drainage control structures.	Section 5.3.9
ARSD 74:29:07:08 (5)	Permanent diversion structure design.	Section 5.3.9.1
ARSD 74:29:07:08 (6)	Diversion of unchannelized surface water.	Section 5.3.9
ARSD 74:29:07:09 (1)	Surface runoff diversions - side slopes and erosion protection.	Section 5.3.9
ARSD 74:29:07:09 (2)	Surface runoff diversions - stable sides in rock.	Section 5.3.9
ARSD 74:29:07:09 (3)	Surface runoff diversions - erosion protection.	Section 5.3.9
ARSD 74:29:07:09 (4)	Surface runoff diversions - culverts or bridges where necessary.	Section 5.3.9
ARSD 74:29:07:09 (5)	Surface runoff diversions - minimize hazards to humans, wildlife or livestock.	Section 5.3.9
ARSD 74:29:07:09 (6)	Surface runoff diversions - diversions around milling or processing facilities must be capable of carrying the flow from the 6-hour PMP event.	Section 5.3.9
ARSD 74:29:07:09 (7)	Surface runoff diversions - all other diversions must be capable of carrying a minimum of the 2-year, 6-hour event.	Section 5.3.9
ARSD 74:29:07:09 (8)	Surface runoff diversions - may not discharge on topsoil storage areas, spoil, or other unconsolidated material.	Section 5.3.9

**Table 1.1-2: Administrative Rules of South Dakota (Continued)**

<b>Regulation</b>	<b>Information Required</b>	<b>Permit Application Reference</b>
ARSD 74:29:07:10	Diversion of intermittent and perennial streams.	Not applicable; no diversions of intermittent or perennial streams are planned.
ARSD 74:29:07:11	Permanent impoundments	Powertech (USA) does not plan to leave any impoundments constructed for the ISR facility as a permanent feature.
ARSD 74:29:07:12 (1)	Roads and railroad spurs - avoid construction within riparian zones.	Section 5.3.8
ARSD 74:29:07:12 (2)	Roads within riparian zones - minimize negative impacts on streams.	Section 5.6.4.1.2
ARSD 74:29:07:12 (3)	Roads or railroad spurs within riparian zone of a coldwater permanent fishery.	Not applicable; there are no coldwater permanent fisheries within the permit area.
ARSD 74:29:07:12 (4)	Stream crossings.	Section 5.6.4.1.2
ARSD 74:29:07:12 (5)	Drainage control structures.	Section 5.6.4.1.2
ARSD 74:29:07:12 (6)	Culverts.	Section 5.6.4.1.2
ARSD 74:29:07:12 (7)	Minimize clearing width of trees and vegetation.	Section 5.6.4.1.2
ARSD 74:29:07:12 (8)	Access and haul road drainage structure maintenance.	Sections 5.3.8 and 5.6.4.1.2
ARSD 74:29:07:12 (9)	Transport facilities and utilities.	Section 5.6.4.1.2
ARSD 74:29:07:12 (10)	Unreclaimed roads subject to surface landowner request.	Section 6.4.3.3
ARSD 74:29:07:13	Buildings and structures.	Section 6.3.1
ARSD 74:29:07:14 (1)	Spoil piles located to avoid blocking intermittent or perennial drainages.	Section 5.3.7
ARSD 74:29:07:14 (2)	Permanent spoil dumps.	Not applicable; no permanent spoil dumps are planned.
ARSD 74:29:07:14 (3)	Analysis of spoil material to determine if it will be a source of water pollution.	Section 5.3.7
ARSD 74:29:07:14 (4)	Disposal of spoil material that is determined to be toxic or acid-forming.	Section 5.3.7
ARSD 74:29:07:15	Noxious weed control plan.	Section 6.4.3.5; Appendix 6.4-C
ARSD 74:29:07:16	Subsidence from mining activities - prevent or minimize.	Section 5.6.3.1.5
ARSD 74:29:07:17	Underground mines - sealed during reclamation.	Sections 3.2.5.2 and 5.3.3.7
ARSD 74:29:07:18	Requirements for specific types of reclamation.	Sections 6.1 and 6.4; Appendix 6.4-D
ARSD 74:29:07:19	Forest planting	Noted
ARSD 74:29:07:20	Rangeland	Section 6.4.1.1; Appendix 6.4-D
ARSD 74:29:07:21	Agriculture crops	Sections 6.4.1.2 and 6.4.3.4; Appendix 6.4-D
ARSD 74:29:07:22	Wildlife habitat	Noted
ARSD 74:29:07:23	Recreation	Noted

**Table 1.1-2: Administrative Rules of South Dakota (Continued)**

<b>Regulation</b>	<b>Information Required</b>	<b>Permit Application Reference</b>
ARSD 74:29:07:24	Industrial Use	Noted
ARSD 74:29:07:25	Homesites	Noted
ARSD 74:29:07:26	Future mineral exploration or development.	Noted
ARSD 74:29:07:27	Permanent surface impoundment.	Noted
ARSD 74:29:07:28	Changes in approved reference area.	Noted
ARSD 74:29:08:01	Requirements for concurrent reclamation.	Section 6.4
ARSD 74:29:08:02	Requirements for interim reclamation.	Section 6.4.2
ARSD 74:29:08:03	Requirements for final reclamation.	Section 6.4
ARSD 74:29:08:04	Disturbance to avoid requirements.	Noted
ARSD 74:29:09	Temporary cessation	Noted
ARSD 74:29:10	Special, exceptional, critical, or unique lands.	Section 2.3 and Appendix 2.3-A